

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

HB 1488 – SB 1685

April 8, 2014

SUMMARY OF ORIGINAL BILL: Authorizes law enforcement and judicial officials to complete any action or step necessary for the application, issuance, or return of a search warrant through electronic means as long as all other statutory requirements are met.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

SUMMARY OF AMENDMENT (015765): Requires the examination of the affiant by audio-visual means if the affirmation of oath is by audio-visual means.

Clarifies that the issuing magistrate is to issue a copy to the affiant rather than retain a copy to the affiant.

Clarifies that nothing in the proposed legislation alters the requirement that an affidavit for a warrant must be submitted in writing regardless of the means of transmission.

Clarifies that the procedure for obtaining a search warrant is the same under current law unless the specific procedural requirements established by the proposed legislation are used for obtaining a warrant by electronic means.

Sunsets the proposed legislation on July 1, 2015.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

Assumptions for the bill as amended:

- The legislation permits any action or step necessary for the application, issuance, or return of a search warrant to be completed electronically as long as all other statutory requirements are met.
- According to the District Public Defenders Conference and the District Attorneys General Conference, the proposed legislation will not impact their caseloads.
- According to the Administrative Office of the Courts, any impact resulting from the

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- proposed legislation can be accommodated within existing resources.
- According to local law enforcement agencies, the proposed legislation will not significantly impact local governments.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, appearing to read "Lucian D. Geise". The signature is fluid and cursive, with the first name "Lucian" written in a larger, more prominent script than the last name "Geise".

Lucian D. Geise, Executive Director

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